IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION (ST.)NO.27250 OF 2004
IN
WRIT PETITION NO.8011 OF 2004

Kalyani Exporters & Ors. .. Applicants.
Vs.
The Greater Bombay
Co-op. Bank Ltd. & Ors. .. Respondents.

Mr.Sanjay Jain i/b M/s.M.Dhruva for the applicants.
Mr.V.R.Walawalkar with Mr.S.R.Bhalekar for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 19TH OCTOBER, 2004

P.C.:

. Mentioned, not on board.

2. Heard Mr.Jain, learned counsel for the applicants and Mr.Walawalkar, learned counsel for the respondents.

3. The writ petition was disposed of on 1.10.2004 when the following order was passed:

"1. Heard the learned counsel for the parties.

2. Petitioner nos.2 to 4, partners of

petitioner no.1 have filed affidavit admitting the liability to pay the amount as per the recovery certificate and have provided the schedule in the affidavit for making payment to the Respondent-Bank. Mr.Bhalekar, learned counsel for the Respondent-Bank, states that the Respondent-Bank has no objection for disposing of this petition in terms of the affidavit. The affidavit of the petitioners is taken on record and marked "X" for identification. The undertakings given in the affidavit are accepted. The writ petition stands disposed of in terms of the undertakings.

3. Needless to state that the respondent-bank shall raise the attachment on payment of the amount by the petitioners as mentioned in the affidavit".

4. Thereafter on 8.10.2004 extension was sought to comply with the undertaking given in paragraph 5 of the affidavit and the time was accordingly extended till 15.10.2004 to deposit Rs.Twenty lacs. It appears that the applicants could not comply with the undertaking given in

paragraph 5 of the affidavit even till 15.10.2004. Today Mr.Jain, learned counsel for the applicants seeks extension of time till today and submitted that the applicants have kept draft of Rs.Twenty lacs ready to hand over to the learned counsel for the respondent-bank. Respondent-bank has no objection for extending the time till today. Accordingly, the time to deposit Rs.Twenty lacs stands extended till today. The rest of the order dated 1.10.2004 is maintained. The four drafts of Rs.Twenty lacs together are handed over to Mr.Walawalkar, learned counsel for the respondent-bank in the court. Mr.Walawalkar, states that the bank will not act upon the notice dated 16.10.2004. His statement is accepted. Civil application is disposed of.

(D.B.Bhosale, J.)